

116TH CONGRESS  
1ST SESSION

# H. R. 1540

To amend title II of the Social Security Act to improve social security benefits for widows and widowers in two-income households.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 2019

Ms. SÁNCHEZ (for herself, Mr. GONZALEZ of Texas, Ms. NORTON, Mr. COHEN, Mr. MCNERNEY, Mrs. DINGELL, Mrs. NAPOLITANO, Ms. MOORE, Mr. HIGGINS of New York, Ms. SCHAKOWSKY, Mr. POCAN, Mr. CÁRDENAS, and Ms. WILSON of Florida) introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend title II of the Social Security Act to improve social security benefits for widows and widowers in two-income households.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Protecting Our Widows  
5       and Widowers in Retirement (POWR) Act”.

1   **SEC. 2. IMPROVING SOCIAL SECURITY BENEFITS FOR WID-**  
2                   **OWS AND WIDOWERS IN TWO-INCOME HOUSE-**  
3                   **HOLDS.**

4       (a) IN GENERAL.—

5               (1) WIDOWS.—Section 202(e) of the Social Se-  
6               curity Act (42 U.S.C. 402(e)) is amended—

7               (A) in paragraph (1)—

8                       (i) in subparagraph (B), by inserting  
9                       “and” at the end;

10                       (ii) in subparagraph (C)(iii), by strik-  
11                       ing “and” at the end;

12                       (iii) by striking subparagraph (D);

13                       (iv) by redesignating subparagraphs  
14                       (E) and (F) as subparagraphs (D) and  
15                       (E), respectively; and

16                       (v) in the flush matter following sub-  
17                       paragraph (E)(ii), as so redesignated, by  
18                       striking “or becomes entitled to an old-age  
19                       insurance benefit” and all that follows  
20                       through “such deceased individual.”;

21               (B) by striking subparagraph (A) in para-  
22                       graph (2) and inserting the following:

23                       “(2)(A) Except as provided in subsection  
24                       (k)(5), subsection (q), and subparagraph (D) of this  
25                       paragraph, such widow’s insurance benefit for each  
26                       month shall be equal to the greater of—

1                 “(i) subject to paragraph (9), the primary  
2                 insurance amount (as determined for purposes  
3                 of this subsection after application of subparagraphs  
4                 (B) and (C)) of such deceased individual; or

6                 “(ii) subject to paragraphs (9) and (10), in  
7                 the case of a fully insured widow or surviving  
8                 divorced wife, 75 percent of the sum of any old-  
9                 age or disability insurance benefit for which the  
10               widow or the surviving divorced wife is entitled  
11               for such month and the primary insurance  
12               amount (as determined for purposes of this  
13               subsection after application of subparagraphs  
14               (B) and (C)) of such deceased individual.”;

15               (C) in paragraph (5)—

16                         (i) in subparagraph (A), by striking  
17                 “paragraph (1)(F)” and inserting “para-  
18                 graph (1)(E)”;  
and

19                         (ii) in subparagraph (B), by striking  
20                 “paragraph (1)(F)(i)” and inserting  
21                 “paragraph (1)(E)(i)”;  
and

22                 (D) by adding at the end the following new  
23                 paragraphs:

24                 “(9) For purposes of clauses (i) and (ii) of  
25                 paragraph (2)(A), in the case of a surviving divorced

1 wife, the amount determined under either such  
2 clause (and, for purposes of clause (ii) of paragraph  
3 (2)(A), as determined after application of paragraph  
4 (10)) shall be equal to the applicable percentage (as  
5 determined under section 202(b)(2)(B)) of such  
6 amount (as determined before application of this  
7 paragraph but after application of subsection  
8 (k)(3)).

9 “(10) For purposes of paragraph (2)(A)(ii), the  
10 amount determined under such paragraph shall not  
11 exceed the primary insurance amount for such  
12 month of a hypothetical individual—

13 “(A) who became entitled to old-age insur-  
14 ance benefits upon attaining early retirement  
15 age during the month in which the deceased in-  
16 dividual referred to in paragraph (1) became  
17 entitled to old-age or disability insurance bene-  
18 fits, or died (before becoming entitled to such  
19 benefits); and

20 “(B) to whom wages and self-employment  
21 income were credited in each of such hypo-  
22 thetical individual’s elapsed years (within the  
23 meaning of section 215(b)(2)(B)(iii)) in an  
24 amount equal to 1½ of the national average

1           wage index (as described in section 209(k)(1))  
2           for each such year.”.

3           (2) WIDOWERS.—Section 202(f) of the Social  
4           Security Act (42 U.S.C. 402(f)) is amended—

5               (A) in paragraph (1)—

6                   (i) in subparagraph (B), by inserting  
7                   “and” at the end;

8                   (ii) in subparagraph (C)(iii), by strik-  
9                   ing “and” at the end;

10                  (iii) by striking subparagraph (D);

11                  (iv) by redesignating subparagraphs  
12                  (E) and (F) as subparagraphs (D) and  
13                  (E), respectively; and

14                  (v) in the flush matter following sub-  
15                  paragraph (E)(ii), as so redesignated, by  
16                  striking “or becomes entitled to an old-age  
17                  insurance benefit” and all that follows  
18                  through “such deceased individual.”;

19               (B) by striking subparagraph (A) in para-  
20               graph (2) and inserting the following:

21               “(2)(A) Except as provided in subsection  
22               (k)(5), subsection (q), and subparagraph (D) of this  
23               paragraph, such widower’s insurance benefit for  
24               each month shall be equal to the greater of—

1                 “(i) subject to paragraph (9), the primary  
2                 insurance amount (as determined for purposes  
3                 of this subsection after application of subpara-  
4                 graphs (B) and (C)) of such deceased indi-  
5                 vidual; or

6                 “(ii) subject to paragraphs (9) and (10), in  
7                 the case of a fully insured widower or surviving  
8                 divorced husband, 75 percent of the sum of any  
9                 old-age or disability insurance benefit for which  
10                 the widower or the surviving divorced husband  
11                 is entitled for such month and the primary in-  
12                 surance amount (as determined for purposes of  
13                 this subsection after application of subpara-  
14                 graphs (B) and (C)) of such deceased indi-  
15                 vidual.”;

16                 (C) in paragraph (5)—

17                     (i) in subparagraph (A), by striking  
18                     “paragraph (1)(F)” and inserting “para-  
19                     graph (1)(E)”;  
20                     (ii) in subparagraph (B), by striking  
21                     “paragraph (1)(F)(i)” and inserting  
22                     “paragraph (1)(E)(i)”;

23                 (D) by adding at the end the following new  
24                 paragraphs:

1           “(9) For purposes of clauses (i) and (ii) of  
2 paragraph (2)(A), in the case of a surviving divorced  
3 husband, the amount determined under either such  
4 clause (and, for purposes of clause (ii) of paragraph  
5 (2)(A), as determined after application of paragraph  
6 (10)) shall be equal to the applicable percentage (as  
7 determined under section 202(c)(2)(B)) of such  
8 amount (as determined before application of this  
9 paragraph but after application of subsection  
10 (k)(3)).

11           “(10) For purposes of paragraph (2)(A)(ii), the  
12 amount determined under such paragraph shall not  
13 exceed the primary insurance amount for such  
14 month of a hypothetical individual—

15           “(A) who became entitled to old-age insur-  
16 ance benefits upon attaining early retirement  
17 age during the month in which the deceased in-  
18 dividual referred to in paragraph (1) became  
19 entitled to old-age or disability insurance bene-  
20 fits, or died (before becoming entitled to such  
21 benefits); and

22           “(B) to whom wages and self-employment  
23 income were credited in each of such hypo-  
24 thetical individual’s elapsed years (within the  
25 meaning of section 215(b)(2)(B)(iii)) in an

1           amount equal to 1½ of the national average  
2           wage index (as described in section 209(k)(1))  
3           for each such year.”.

4       (b) HOLDING SSI BENEFICIARIES HARMLESS.—For  
5   purposes of determining the income of an individual to es-  
6   tablish eligibility for, and the amount of, benefits payable  
7   under title XVI of the Social Security Act, the amount  
8   of any benefit to which the individual is entitled under  
9   title II of such Act shall be deemed not to exceed the  
10   amount of the benefit that would be determined for such  
11   individual under such title as in effect on the day before  
12   the date of the enactment of this Act.

13       (c) EFFECTIVE DATE.—The amendments made by  
14   this section shall apply with respect to widow’s and wid-  
15   ower’s insurance benefits payable for months after Decem-  
16   ber 2019.

